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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-348

13 **REGINA COLLEEN BROWN**
24250 Hogsback Rd.
14 Red Bluff, California 96080

A C C U S A T I O N

15 Registered Nurse License No. 633575

16 Respondent.

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about March 1, 2004, the Board issued Registered Nurse License
24 Number 633575 to Regina Colleen Brown ("Respondent"). The license expired on
25 June 30, 2007, and has not been renewed.

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1 terminated for any reason, other than successful completion, shall be reported to the board's
2 enforcement program.

3 (b) If a committee determines that a registered nurse, who is denied admission
4 into the program or terminated from the program, presents a threat to the public or his or her own
5 health and safety, the committee shall report the name and license number, along with a copy of
6 all diversion records for that registered nurse, to the board's enforcement program. The board
7 may use any of the records it receives under this subdivision in any disciplinary proceeding.

8 9. Code section 4060 states, in pertinent part, that no person shall possess any
9 controlled substance, except that furnished to a person upon the prescription of a physician,
10 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

11 10. Health and Safety Code section 11173(a) states, in pertinent part, that no
12 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
13 the administration of or prescription for controlled substances, (1) by fraud, deceit,
14 misrepresentation, or subterfuge.

15 COST RECOVERY

16 11. Code section 125.3 provides, in pertinent part, that the Board may request
17 the administrative law judge to direct a licensee found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 DRUGS

21 12. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled
22 substance as designated by Health and Safety Code section 11055(b)(1)(K).

23 13. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate, also
24 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
25 Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.

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1 **RESPONDENT'S TERMINATION FROM BOARD'S**

2 **DIVERSION PROGRAM AS A PUBLIC RISK**

3 14. On or about March 8, 2007, Respondent was enrolled in the Board's
4 Diversion Program. On or about July 20, 2007, the Diversion Evaluation Committee ("DEC")
5 terminated Respondent from the Diversion Program for noncompliance/public risk due to the
6 following:

7 a. Respondent failed to contact MAXIMUS¹ since June 12, 2007, in spite of
8 many attempts by MAXIMUS.

9 b. Respondent failed to register with Compass Vision, Inc. ("CVI")².

10 c. Respondent failed to submit monthly self reports and meeting attendance
11 sheets.

12 d. Respondent only attended one Nurse Support Group meeting.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Obtain, Possess and Self Administer Controlled Substances)**

15 15. Respondent is subject to disciplinary action under Code section 2761(a) on
16 the grounds of unprofessional conduct as defined in section 2762(a) of that Code in that from
17 about 2005 through February 2007, while employed as a registered nurse at St. Elizabeth
18 Community Hospital, Red Bluff, California, Respondent did the following:

19 a. Obtained Dilaudid, a controlled substance, by fraud, deceit, misrepresentation
20 or subterfuge or by the concealment of a material fact, in violation of Health and Safety Code
21 section 11173(a), by taking for her own personal use, medication that was to be wasted.

22 b. Possessed Dilaudid and Norco, both controlled substances, in violation of
23 Code section 4060, in that Respondent did not have a prescription for those controlled
24 substances.

26 1. MAXIMUS is a private entity, contracted by the Board, which monitors nurses who
27 have entered into the Diversion Program.

28 2. CVI is a provider of testing solutions for healthcare monitoring programs nationwide.

1 c. Self-administered Dilaudid and Norco, both controlled substances, without
2 direction to do so from a licensed physician and surgeon, dentist or podiatrist.

3 **PRAYER**


4 **WHEREFORE**, Complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 633575, issued
7 to Regina Colleen Brown;

8 2. Ordering Regina Colleen Brown to pay the Board of Registered Nursing
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 6/16/08

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15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

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19 Accusation (kdg) 2/29/08